

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Christopher R. Taylor
Petitioner

v.

Case No. 3:21-cv-00109-NBB-JMV

(Supplied by Clerk of Court)

Bill Rasco, Desoto County SheriffChad Wicker, Desoto County Facility Director
Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Rule 6.1(c) Mississippi Rule of Criminal Procedure
Personal Information

1. (a) Your full name: Christopher Romeal Taylor
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Desoto County Adult Detention Center
(b) Address: 3425 Industrial Drive N.
Hernando, ms 38632
(c) Your identification number: ID #188312 / Case #: F2021-00005
3. Are you currently being held on orders by:
☐ Federal authorities ☒ State authorities ☐ Other - explain:
4. Are you currently:
☒ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
(b) Docket number of criminal case: E2021-00005
(c) Date of sentencing: N/A
☐ Being held on an immigration charge
☒ Other (explain): Held on Simple Assault Charge.

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Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

☒ Pretrial detention

☐ Immigration detention

☒ Detainer

☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☒ Other (explain): Decision of the court refusal to release Christopher R. Taylor under Rule 6.1 (c) on his own Recognizance after a preliminary hearing was denied during statutory period. The rule requires release within 14 day hearing.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Hern Lake Municipal Court / Hermando Circuit Court / 3101 Guntman Rd, Hern Lake, FL 38637 / 2535 Hwy 91 S. #200

(b) Docket number, case number, or opinion number: F2021-00005

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Denied preliminary hearing according to Rule 6.1(c), right to pre hearing within 14 days following the demand for a hearing made herein was set for March 23, 2021. Second demand made March 30, 2021 was set April 20, 2021

(d) Date of the decision or action: March 9, 2021 and March 30, 2021

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Hern Lake Municipal Court, Desoto Cir. Circuit Court

(2) Date of filing: March 23, 2021

(3) Docket number, case number, or opinion number: 112020-01013, 112020-0137x

(4) Result: The court refused preliminary hearing within 14 days, March 23, 2021

(5) Date of result: March 23, 2021

(6) Issues raised: (1) Whether Christopher R. Taylor 14th Amendment due process violated. (2) Whether Hern Lake Municipal Court violated Rule 6.1(c) refusing preliminary hearing. (3) Whether or not Christopher R. Taylor received ineffective assistance of counsel. (4) Whether or not Christopher R. Taylor denied adequate medical treatment in violation of Amendment 8, cruel & inhuman treatment.

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(b) If you answered "No," explain why you did not appeal:

N/A

8. **Second appeal** N/A

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal** N/A

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

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(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255** ~~2254~~

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☒ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☒ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. **Appeals of immigration proceedings** *N/A*

Does this case concern immigration proceedings?

☐ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody:
(b) Date of the removal or reinstatement order:
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing:
(2) Case number:
(3) Result:
(4) Date of result:
(5) Issues raised:

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Name of court:
(2) Date of filing:
(3) Case number:

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(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Christopher E. Taylor 14th Amendment due process was violated under the U.S. Constitution

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(a) Supporting facts (Be brief. Do not cite cases or law.):

Christopher R. Taylor rights under the Due Process of the 14th Amendment was violated.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes☐ No

GROUND TWO: Horn Lake Municipal Court denied Christopher R. Taylor release under Rule 61(c)

(a) Supporting facts (Be brief. Do not cite cases or law.):

The request for hearing was made under Rule 61(c) and was denied.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes☐ No

GROUND THREE: Christopher R. Taylor received ineffective assistance of Council.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Matt Dalton & Gordon Shaw refused to pursue Rule 61(c) after requested by Defendant Christopher R. Taylor.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes☐ No

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GROUND FOUR: Christopher R. Taylor was denied proper medical treatment in violation of ~~Article 8~~ Amendment 8 to the U.S. Constitution, Specific cruel and inhuman treatment.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Talks to medical staff and Chad Walker regarding a slip and fall and the need for medical treatment that was denied.

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

The Defendant, Christopher R. Taylor was physically assaulted by jail personnel.

Request for Relief

15. State exactly what you want the court to do: Defendant, Christopher R. Taylor wants to be released based on Rule 6.1(c) under Mississippi Rule of Criminal Procedure.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

May 18, 2021

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

See petition for signature

Date: _____

Signature of Petitioner

Signature of Attorney or other authorized person, if any

~~Am~~
~~VS~~
~~State of Mississippi~~
~~Taylor~~

Christophe Taylor

~~Rule 6.1(c)~~

(PRO SE)

GREAT WRIT

petition for Release on
Case no. F2021 00005

V
State of Mississippi
States that if a preliminary hearing is not commenced within fourteen (14) days required by subsection (a), and is not ~~postponed~~ postponed as allowed by subsection, the defendant shall be released on recognizance, unless the offense is non-bailable or release is prohibited by Article 3, Section 29 (2) of the Mississippi Constitution of 1890.

With rule 6.1(c) in mind and in effect, The defendant Christopher R Taylor requested a preliminary hearing. It was requested on the 2nd of March and set for 4th of March. ~~The hearing was not commenced within 14 days~~ and attorney Matt Dalton refused to speak with Taylor pertaining the Rule 6.1(c) being broken. Nor did he have Mr. Taylor released on recognizance. The next day - Tuesday - then requested another preliminary hearing and another Public Defender. The court's comply and on the 30th of March set the preliminary for April 20th with Gordon Simon as Attorney. And for the second time the 14 day rule was broken. After arguing with Simon that Rule 6.1(c) was broken for the second time and not complying it, said that it was up to the Judge and not the rule.

And with that being said, this has been a great injustice and a miscarriage of the Law. ~~And~~ By the Judge and both Dalton and Simon.

We Ask that the Circuit Court of Desoto Co and the Desoto Co Jail Release or Recognizance the defendant Christopher Taylor immediately to his home.

Case no. F2021-00005; Motion no. MA2021-00005
Warrant No. 202100005

GIVEN under my hand to the Circuit Court of Desoto County

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